

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of ATC Outdoor DAS, LLC for a  
Certificate of Public Convenience and Necessity to  
Provide Resold and Facilities-Based Local Exchange  
and Interexchange Telecommunications Services in  
the State of South Carolina, and for Flexible  
Regulation

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2008 - 247 - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

Address: Ellis, Lawhorne & Sims, PA

PO Box 2285

Columbia SC 29202

SC Bar Number: 11208

Telephone: 803-343-1270

Fax: 803-799-8479

Other:

Email: jpringle@ellislawhorne.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☒ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other: \_\_\_\_\_

NATURE OF ACTION (Check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Affidavit                 | <input type="checkbox"/> Letter                            | <input type="checkbox"/> Request                   |
| <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Application               | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input type="checkbox"/> Certificate               | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition        |
| <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input type="checkbox"/> Discovery                 | <input checked="" type="checkbox"/> Prefiled Testimony     | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other: _____              |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |  |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
| <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |

Print Form

Reset Form

# ELLIS:LAWHORNE

John J. Pringle, Jr.  
Direct dial: 803/343-1270  
[jpringle@ellislawhorne.com](mailto:jpringle@ellislawhorne.com)

August 18, 2008

**FILED ELECTRONICALLY**

The Honorable Charles L.A. Terreni  
Chief Clerk  
**South Carolina Public Service Commission**  
Post Office Drawer 11649  
Columbia, South Carolina 29211

RE: Application of ATC Outdoor DAS, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services in the State of South Carolina, and for Flexible Regulation  
**Docket No. 2008-247-C, Our File No. 1638-11592**

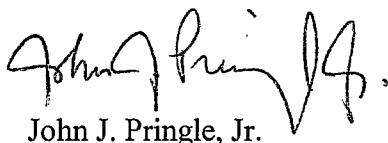
Dear Mr. Terreni:

Enclosed is the **Pre-filed Testimony of Gerard Ainsztein** filed on behalf of ATC Outdoor DAS, LLC in the above-referenced docket.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/cr

Attachment

cc: F. David Butler, Esquire (via electronic mail service)  
Shannon Bowyer Hudson, Esquire (via electronic mail service)  
Margaret Fox, Esquire (via electronic mail service)  
Janae Walker Bronson, Esquire (via electronic mail service)  
Jennifer M. Toland, Esquire (via electronic mail service)

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2008-247-C**

In Re Application of )  
 )  
**ATC OUTDOOR DAS, LLC** )  
 )  
For a Certificate of Public Convenience )  
And Necessity to Provide Resold and )  
Facilities-Based Local Exchange and )  
Interexchange Telecommunications )  
Services Within the State of South )  
Carolina and for Flexible Regulation )

Direct Testimony of Gerard Ainsztein

1   **Q.     Please state your name, business address and title.**

2   A.     My name is Gerard Ainsztein, and my business address is 400 Regency Forest Drive,  
3           Suite 300, Cary, North Carolina, 27518. My title is Senior Vice President, DAS  
4           Solutions & Acquisitions, for ATC Outdoor DAS, LLC (“ATC Outdoor”).

5   **Q.     Please state your qualifications.**

6   A.     In my role as Senior Vice President, DAS Solutions & Acquisitions for ATC Outdoor, I  
7           have personal knowledge of the telecommunications services provided by ATC Outdoor,  
8           ATC Outdoor’s equipment and network, and of its legal and regulatory status. I have  
9           been involved in leasing and management for more than 20 years, and been specifically  
10          involved in the telecommunications industry since 2001. As a result of my duties in my  
11          positions, I have had personal experience and knowledge with requirements imposed by  
12          local governments for access to public rights-of-way by telecommunications providers in  
13          various communities around the country.

1    **Q.    What is the purpose of your testimony?**

2    A.    The purpose of my testimony is to present evidence describing the technical, managerial,  
3           and financial fitness of ATC Outdoor to provide resold and facilities-based local  
4           exchange and interexchange telecommunications service within the State of South  
5           Carolina. This testimony will also describe the service to be provided by ATC Outdoor.  
6           Finally, my testimony will show that the public interest will be served by the approval of  
7           ATC Outdoor's Application.

8    **Q.    Are all of the statements in ATC Outdoor's Application correct and true to the best**  
9           **of your knowledge, information and belief?**

10   A.    Yes.

11   **Q.    Do you wish to incorporate by reference any documents into this testimony?**

12   A.    Yes. I wish to incorporate, by reference, ATC Outdoor's underlying Application filed in  
13           this proceeding and its associated exhibits.

14   **Q.    Do you ratify and confirm the statements and representations made in that**  
15           **Application and all Exhibits attached thereto?**

16   A.    Yes.

17   **Q.    Has Applicant registered to do business in South Carolina?**

18   A.    Yes. ATC Outdoor received foreign corporation authority to transact business in South  
19           Carolina on February 7, 2008.

20   **Q.    Has anything occurred since the Application of ATC Outdoor DAS, LLC was filed**  
21           **on June 25, 2008 that materially changes the representations therein?**

22   A.    No.

1    **Q.     Please describe the current corporate structure of ATC Outdoor DAS, LLC.**

2    A.     American Tower Corporation is the ultimate parent entity of ATC Outdoor DAS, LLC.  
3           SpectraSite Communications, LLC is the sole member and manager of ATC Outdoor  
4           DAS, LLC. SpectraSite, LLC is the sole member and manager of SpectraSite  
5           Communications, LLC. American Tower Corporation is the sole member and manager  
6           of SpectraSite, LLC. A copy of ATC Outdoor's Organizational Chart is attached hereto  
7           as Exhibit 1.

8    **Q.     Does ATC Outdoor have the requisite managerial, technical and financial abilities**  
9           **to provide the service for which it applied?**

10   A.     Yes.

11   **Q.     Please describe Applicant's financial abilities.**

12   A.     ATC Outdoor is a duly formed privately-held limited liability company. ATC Outdoor  
13           will rely, in large part, upon the financial resources of its ultimate parent company,  
14           American Tower Corporation, to provide its services in the State of South Carolina. ATC  
15           Outdoor, through its parent, has sufficient capital on hand to commence operations in the  
16           State of South Carolina and the company has access to additional capital financing as  
17           may be needed to sustain future growth and expansion. ATC Outdoor's business plan  
18           calls for the Company to provide its radio frequency ("RF") transport services based  
19           upon direct customer demand. Under this plan, revenue from customers will be readily  
20           identified prior to any extensive outlay of capital.

21   **Q.     Please describe the technical and managerial qualifications of ATC Outdoor.**

22   A.     ATC Outdoor's management team includes individuals with substantive experience in  
23           successfully developing and operating a telecommunications business. Consequentially,

1 the Company has the adequate internal technical resources to support its South Carolina  
2 operations. Specific details of the business and technical experience of ATC Outdoor's  
3 officers and management personnel were attached to the Application as Exhibit D.

4 **Q. What services will ATC Outdoor offer?**

5 A. ATC Outdoor will offer transport of voice and data signals via fiber optic lines, initially  
6 focused on serving wireless providers. ATC Outdoor's "RF transport services" use fiber  
7 optic technology, including multi-wavelength optical technology over dedicated transport  
8 facilities, to provide telecommunications companies with more efficient transport and  
9 greater overall network service options. RF transport services connect wireless capacity  
10 equipment to bi-directional, RF-to-optical conversion equipment at a hub facility. The  
11 hub facility can be customer or ATC Outdoor-provided. The conversion equipment will  
12 allow ATC Outdoor to accept RF traffic from the customer and then send bi-directional  
13 traffic transmission across the appropriate optical networks. At the remote end, ATC  
14 Outdoor or the customer company will provide RF-to-optical conversion equipment to  
15 allow bi-directional conversion between optical signals and RF signals. RF signals can  
16 be received and radiated at this remote node by the customer company.

17 **Q. Does ATC Outdoor intend to offer prepaid debit card services in South Carolina?**

18 A. No, ATC Outdoor does not intend to offer prepaid debit card services in South Carolina.  
19 ATC Outdoor is aware of the Commission's \$5,000 bond or certificate of deposit  
20 requirement associated with prepaid debit card services, and will file such an instrument  
21 with the Commission if ATC Outdoor decides to offer these services in the future.

1    **Q.     How will Applicant bill for its services?**

2    A.     ATC Outdoor will offer its service only on a wholesale basis. ATC Outdoor's customers  
3           will be billed according to individual case basis contracts negotiated with each customer.  
4           ATC Outdoor's customers typically are providers of retail wireless telecommunications  
5           services (also known as Commercial Mobile Radio Services "CMRS" providers, cellular,  
6           or Personal Communications Services "PCS" providers).

7    **Q.     How are trouble reports and customer complaints handled?**

8    A.     ATC Outdoor has a toll-free number available for its customers. ATC Outdoor's toll-free  
9           customer service number is 1-877-282-7483. ATC Outdoor's customer service center is  
10          located in Cary, North Carolina. Customers may contact ATC Outdoor 24 hours per day,  
11          seven days per week.

12   **Q.     Does ATC Outdoor have offices in South Carolina?**

13   A.     No. ATC Outdoor does not intend to have offices in South Carolina at this time.  
14          Accordingly, ATC Outdoor requests, pursuant to Rule 103-610, that the Commission  
15          allow it to keep all applicable books and records at its offices in Boston, Massachusetts  
16          and Cary, North Carolina. In the event that the Commission or ORS should desire to  
17          inspect such books and records, ATC Outdoor will provide access expeditiously at its  
18          own expense.

19   **Q.     Does ATC Outdoor intend to publish telephone directories or file an operating area**  
20   **map with the Commission?**

21   A.     No. ATC Outdoor does not intend to offer any form of voice service at this time.  
22          Accordingly, ATC Outdoor requests a waiver of Commission Rule 103-631. Because  
23          ATC Outdoor will operate within the existing service areas of the existing incumbent

1 local exchange carriers (“ILECs”), ATC Outdoor requests that it not be required to create  
2 and file any such operating area map as may be required by Commission Rule.

3 **Q. By what method will ATC Outdoor keep its financial records?**

4 A. ATC Outdoor uses Generally Accepted Accounting Principles (“GAAP”). To the extent  
5 that the Commission’s Rules require the use of the Uniform System of Accounts  
6 (“USOA”), ATC Outdoor requests a waiver in order that GAAP be allowed.

7 **Q. How will ATC Outdoor market its services?**

8 A. ATC Outdoor will market its services through a direct sales team that focuses on  
9 government and carrier markets. ATC Outdoor will not offer retail services to either  
10 residential or business customers. As stated above, ATC Outdoor’s customers typically  
11 are “carrier’s carriers” that provide retail wireless telecommunications services.

12 **Q. Has ATC Outdoor obtained authority to provide its services in any other states?**

13 A. Yes. ATC Outdoor is authorized to provide service in the District of Columbia, Florida,  
14 Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New  
15 Jersey, New Mexico, New York, Texas, Virginia, and Washington. ATC Outdoor has  
16 applications pending in the following states: Arizona, California, Connecticut, North  
17 Carolina, and Oregon.

18 **Q. Please describe the proposed tariff filed by ATC Outdoor.**

19 A. ATC Outdoor filed as Exhibit E of its Application the proposed tariff for ATC Outdoor’s  
20 RF transport service. The tariff contains the applicable rules and regulations for the  
21 provision of such service. I believe that ATC Outdoor’s tariff will comport with all  
22 applicable Commission Rules and Orders, and ATC Outdoor agrees to make all changes  
23 suggested by the ORS that may be necessary to comply with applicable authority.

1    **Q.    Will ATC Outdoor provide any equipment or facilities in connection with its**  
2    **services?**

3    A.    Yes, ATC Outdoor's network requires the use of certain RF equipment, which may be  
4    either customer or ATC Outdoor-owned. Generally, ATC Outdoor's telecommunications  
5    service involves handing off a communication signal at locations called "nodes." A  
6    typical "node" in ATC Outdoor's network is located on a utility or a street light pole, and  
7    includes a small, low-power antenna. In addition, the node will include equipment for  
8    the conversion of RF signals to optical signals, fiber optic lines, and associated  
9    equipment, such as power supplies, all of which is owned or leased by ATC Outdoor.  
10   From the initial node hand off, ATC Outdoor then transports the communication through  
11   ATC Outdoor's fiber optic network, to a distant point. The distant point is typically, but  
12   not always, a congregation point for ATC Outdoor's communications called a "Base  
13   Station." The Base Station is a central location that contains various equipment, which  
14   may include such things as routers, switches, and signal conversion equipment. The Base  
15   Station is typically installed in a building located on private property. In the most typical  
16   scenario, at the Base Station, ATC Outdoor hands the communication signal back to its  
17   customer. The customer may then route the communication to another location using its  
18   own equipment, or the communication may be re-routed back out ATC Outdoor's  
19   network to another "node." Alternatively, the communications signal may be  
20   interconnected with the public telephone network. If the communication is routed back  
21   out to another node, at the remote node location, the optical signal is again converted  
22   back into a radio signal and delivered to another small antenna for broadcast by ATC

1 Outdoor's customer. The RF-to-optical conversion is done by a small unit located near  
2 the remote antenna.

3 **Q. Will granting a Certificate serve the public interest of South Carolina consumers?**

4 A. A decision by the Commission to grant ATC Outdoor authority to provide local exchange  
5 and interexchange telecommunications service is in the best interest. The public interest  
6 will be served by expanding the availability of competitive telecommunications services  
7 and enhanced telecommunications infrastructure in the State of South Carolina, thereby  
8 facilitating economic development. Authorizing ATC Outdoor to enter the  
9 telecommunications service market will increase the competitive choices available, and  
10 in turn create incentives for all carriers to lower prices, provide new and better quality  
11 services, and be more responsive to customer issues and demands.

12 **Q. Who is knowledgeable about ATC Outdoor's operations and will serve as the**  
13 **Commission's/ORS's regulatory and customer service contact?**

14 A. All ongoing compliance matters should be directed to my attention and to the attention of  
15 David Pierce, Director, DAS Solutions & Acquisitions, ATC Outdoor DAS, LLC, 400  
16 Regency Forest Drive, Suite 300, Cary, North Carolina, 27518, Telephone: (919) 465-  
17 6665, Facsimile: (919) 466-5564, Email: David.Pierce@americantower.com. Customer  
18 complaint and billing matters should also be directed to David Pierce.

19 **Q. What regulatory treatment has ATC Outdoor sought in connection with this**  
20 **Docket?**

21 A. ATC Outdoor requests flexible regulation for its local exchange telecommunications  
22 services as the Commission first granted in Order No. 98-165 in Docket No. 97-467-C.

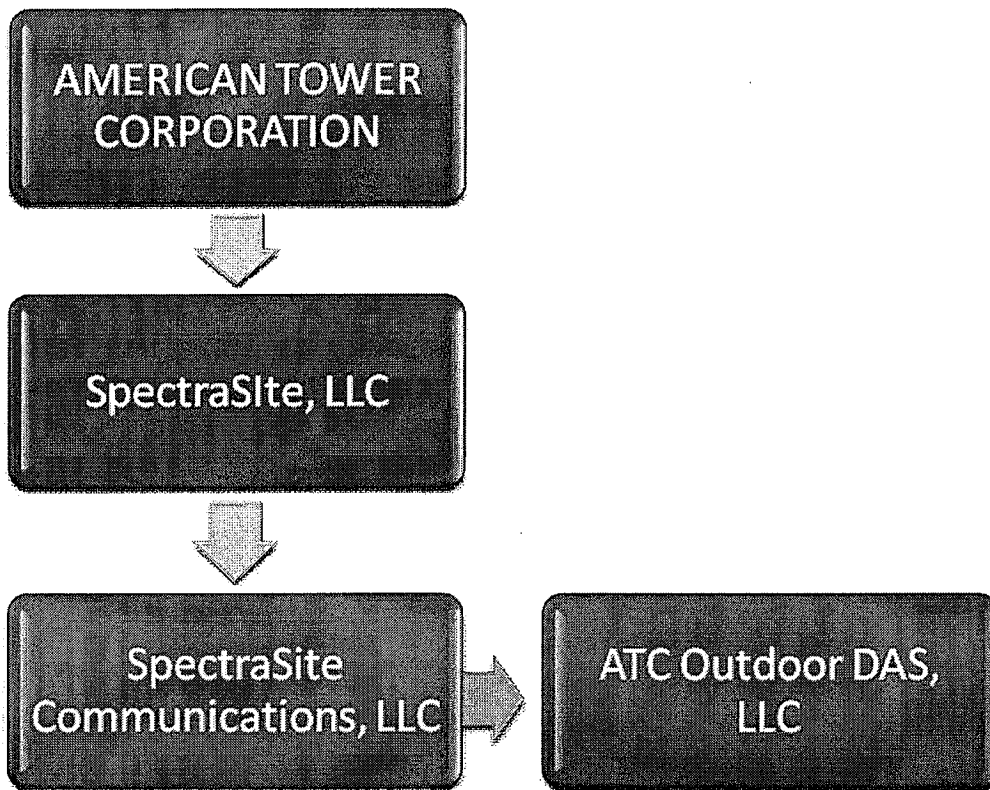
1    **Q.     Will ATC Outdoor comply with all of the applicable rules, regulations and orders of**  
2       **the Commission?**

3    **A.     Yes.**

4    **Q.     Does this conclude your testimony?**

5    **A.     Yes.**

## EXHIBIT ONE



**BEFORE THE**  
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
**DOCKET NO. 2008-247-C**

IN RE:

Application of ATC Outdoor DAS, LLC )  
for a Certificate of Public Convenience )  
and Necessity to Provide Resold and )  
Facilities-Based Local Exchange and )  
Interexchange Telecommunications )  
Services in the State of South Carolina, )  
and for Flexible Regulation )

**CERTIFICATE OF SERVICE**

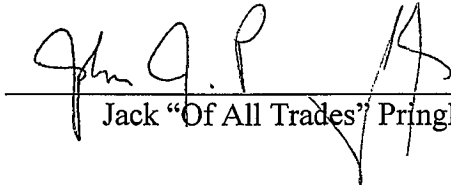
This is to certify that I have caused to be served this day, one (1) copy of the **Testimony of Gerard Ainsztein** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

**VIA ELECTRONIC MAIL SERVICE**

Shannon Bowyer Hudson, Esquire  
**Office of Regulatory Staff**  
Legal Department  
PO Box 11263  
Columbia SC 29211

**VIA ELECTRONIC MAIL SERVICE**

Margaret Fox, Esquire  
**McNair Law Firm, PA**  
PO Box 11390  
Columbia SC 29211

  
\_\_\_\_\_  
Jack "Of All Trades" Pringle

August 18, 2008  
Columbia, South Carolina